HIGH COURT OF CHHATTISGARH, BILASPUR

Civil Revision No. 88 of 2007

Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.

MEMORANDUM OF CIVIL REVISION UNDER SECTION 115 OF CIVIL PROCEDURE CODE

Petitioners Defendants	:	1. Rajendra Kumar Shah, S/o Late Shri Natwar Lal Shah, aged about 48 years, resident of Station Road, Raipur.
	:	2. President Amrapali Sahakari Grih Nirman Sanstha Samiti, Raipur, Pachpedi Naka, Dhamtari Road, Raipur (CG)
		Versus
Respondent Plaintiff	:	Monica Surana, aged about 26 years, W/o Shri Dhiraj Surana, resident of R.S. Shukla Road, Raipur (CG), through Attorney Shri Dhiraj Surana S/o Shri Prakash Chand Surana, resident of House No.23/130, R.S.Shukla Road, Raipur (CG)

Present: Smt. Renu Kochar, learned counsel for the petitioners/defendants

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ORAL ORDER
(Passed on 31.07.2007)

This revision is directed against an order passed on 5.4.2007 in Civil Misc. Case No.18 of 2006 by 10th Additional District Judge, Raipur, whereby the application under Order 9 Rule 9 of the C.P.C. filed by the respondent/plaintiff was allowed subjected to cost.

2. I have perused the impugned order. The Civil Suit was fixed for hearing on 5.9.2006. The plaintiff, a lady, was represented through counsel.

The Reader informed the counsel the date of adjournment as 5.9.2006. However, when the plaintiff learnt that in fact the Civil Suit was dismissed in default of plaintiff on 5.9.2006, she moved an application for restoration duly supported by an affidavit. The learned trial Judge has allowed the application while awarding cost of Rs.500/-.

3. No such infirmity, illegality or manifest error of law as would justify any interference in exercise of revisional jurisdiction in the impugned order dated 5.4.2007 is seen. This revision being devoid of merit is dismissed at the admission stage.

4. In view of the above, I.A.No.1 for stay also stands dismissed.

Sd/-
Dilip Raosaheb Deshmukh
Judge